

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GANNETT SATELLITE INFORMATION *
NETWORK, LLC *
d/b/a USA TODAY *
7950 Jones Branch Drive *
McLean, Virginia 22102 *

and *

BRETT MURPHY *
Gannett Satellite Information Network, LLC *
d/b/a USA TODAY *
7950 Jones Branch Drive *
McLean, Virginia, 22102 *

Plaintiffs, *

Civil Action No. 18-3046

v. *

DEPARTMENT OF DEFENSE *
1000 Defense Pentagon *
Washington, D.C. 20301-1000 *

Defendant. *

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, seeking production of records responsive to a request submitted by the plaintiffs Gannett Satellite Information Network LLC d/b/a USA TODAY and Brett Murphy to the defendant Department of Defense (as well as its subordinate entity).

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Gannett Satellite Information Network LLC d/b/a USA TODAY (“USA TODAY”) is the nation’s largest-selling daily newspaper and its website, USATODAY.com, is one of the top newspaper sites on the internet. USA TODAY is a representative of the news media.

4. Plaintiff Brett Murphy (“Murphy”) is a reporter for USA TODAY and is a representative of the news media.

5. Defendant Department of Defense (“DoD”) is an agency within the meaning of 5 U.S.C. § 552 (f), and is in possession and/or control of the records requested by the plaintiffs that are the subject of this action. DoD controls – and consequently serves as the proper party defendant for litigation purposes for – the United States Central Command (“CENTCOM”).

COUNT ONE (FBI)

6. By letter dated June 20, 2018, the plaintiffs, USA TODAY and Murphy (jointly referred to as “USA TODAY”), submitted a FOIA request to CENTCOM.

7. By letter dated August 3, 2018, CENTCOM issued a substantive response. The request was assigned case #18-0485.

8. By letter dated August 20, 2018, USA TODAY submitted an administrative appeal to CENTCOM.

9. To date, no substantive response has been received by USA TODAY regarding its administrative appeal. USA TODAY has constructively exhausted all required administrative remedies.

WHEREFORE, plaintiffs Gannett Satellite Information Network LLC d/b/a USA TODAY and Brett Murphy pray that this Court:

(1) Orders the defendant federal agency to disclose all non-exempt requested records in their entirety and make copies promptly available to the plaintiffs;

(2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552 (a)(4)(E) and/or 28 U.S.C. § 2412 (d);

(3) expedite this action in every way pursuant to 28 U.S.C. § 1657 (a); and

(4) grant such other relief as the Court may deem just and proper.

Date: December 20, 2018

Respectfully submitted,

/s/

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